

City of El Paso de Robles

05/18/84

MINUTES OF REGULAR MEETING PASO ROBLES CITY COUNCIL MAY 15, 1984

The City Council of the City of El Paso de Robles, meeting in regular session on the above date, was called to order by Mayor Gary Stemper at 7:30 p.m. in the City Council Chambers with the following Councilmen answering roll call: Monroe, Ovitt, Russell, Thorndyke and Stemper; none being absent. Following roll call, there was a brief invocation by Reverend Frank Knouse.

1. The minutes of the adjourned and regular meetings of May 1, 1984 were presented, and upon motion by Councilman Monroe, seconded by Councilman Russell, and passed unanimously, said minutes were approved.

2. The Mayor announced that it is the time and place scheduled for the continued hearing of Notice of Violation, San Marino Savings and Loan - Tract 876. The City Manager stated that the City has received the appropriate bonds and insurance certificate; however, some clarification is needed on the bond regarding one of the parties involved. The Subdivision Agreement should be extended for six (6) months only from April 1, 1984 due to other adjacent tracts waiting to develop. Additionally, the developer should pay for the City's cost incurred on this item. It was recommended that the hearing be closed with the developer to work out the remaining details with staff.

There being no further public comments, it was moved by Councilman Russell and seconded by Councilman Ovitt to close the public hearing. Motion passed unanimously.

It was moved by Councilman Ovitt and seconded by Councilman Monroe to instruct staff to extend the Subdivision Agreement for six (6) months beginning April 1, 1984 and that the developer be required to pay back costs already expended by taxpayers and that staff work with the developer on the authorization of the bonding situation. Motion passed unanimously.

3. The Mayor announced that it is the time and place scheduled for public hearing including Supervisor Jerry Diefenderfer with input from citizens regarding the Niblick Bridge. Bridge Committee Chairman, Andy Stephenson introduced Councilman Orville Monroe, Political Action Chairman. Mr. Monroe reviewed action that has been taken by the Bridge Committee so far. Dr. Bob Bryant, Chairman of Subcommittee on Site and Structure read his report to the City Council regarding previous studies and the recommendation the the Niblick proposal was the only logical and most cost-effective alternative. A report from the Bridge Finance Committee was read by Phil Molina. County Supervisor Jerry Diefenderfer was introduced and talked about the \$100,000 County fund created to help with city projects. He stated that the County

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Engineer's report to the Supervisors listed 1920 vehicles/day on Creston Road from County areas, 330 vehicles day on Linne Rd.; and approximately 330 vehicles day on River Rd. This represents approximately 3,000 vehicles/day using the 13th Street Bridge from County areas east of the City. He continued by discussing areas that the City and County need to mutually explore. He commended the City for their initiative and the presentation in inviting Congressman Thomas and the State Legislators here to view the problems of a needed bridge. As a result of this, there is a keen understanding on the part of his staff as to what the problem is. Councilman Russell stated that over 30% of the industrial park employees are from the County areas. Councilman Ovitt stated that Paso Robles City is a sales tax leader for the County and some consideration must be given to this when funding is discussed. Councilman Thorndyke stated that he understood that when the bridge reached 20,000 vehicles/day the County would help find a solution. Mr. Diefenderfer was asked if he agreed with the City that both an initial County contribution and long term County funding were desirable. He stated that from his viewpoint it would be. He stated that a fee by area of benefit to the County could be considered but that the major responsibility for funding the project lies with the City as the prime benefit would be to the City. He believes the County is willing to participate, and what we need to do is develop those arguments that will be convincing to the County. After additional discussion, the Mayor thanked Supervisor Diefenderfer for attending. On motion of Councilman Monroe and seconded by Councilman Thorndyke and passed unanimously the public hearing was closed.

4. Ordinance No. 492 N.S., AN ORDINANCE PROVIDING FOR A TELEPHONE, GAS, WATER, ELECTRICITY AND TELEVISION CABLE USERS TAX is presented for first reading by the City Manager.

The City Manager noted that by passing this ordinance the Council has NOT initiated collection of the tax because no tax rate has been identified in the ordinance, but rather by approving this ordinance the Council will identify an alternative source of revenue for the City which is not now available. The reason this was being brought up at this time was that recent correspondence from the Public Utilities Commission indicated they are thinking of trying to regulate this type of ordinance by taking away local control.

After much discussion, a motion was made by Councilman Ovitt and seconded by Councilman Russell and passed unanimously that Ordinance No. 492 N.S. be read by title only. Ordinance No. 492 N.S. was read by title only. Motion by Councilman Ovitt and seconded by Councilman Russell that this constitutes the first reading. Motion passed by the following roll call vote:

AYES: Councilman Ovitt, Russell, Thorndyke and Stemper

NOES: Councilman Monroe

ABSENT: None

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This Ordinance No. 492 N.S. is to be scheduled for second reading at the Adjourned Meeting of May 29, 1984.

5. It was moved by Councilman Russell and seconded by Councilman Ovitt that the items on the Consent Calendar be approved, together with the recommendations as set forth therein, said motion waiving reading of all resolutions and ordinances in full. Motion approved and passed unanimously.

The items on the Consent Calendar are as follows:

G-1 Departmental Reports:

a. Finance Department Report on Utility Terminations. (Recommend report be received and filed.)

b. Finance Department report of Utilities Turned Over for Collection. (Recommend report be received and filed.)

G-2 Letter from Manager of PG&E advising 1984 allocations for conversion of underground utilities. (Recommend letter be received and filed with copy to Director of Municipal Services.)

G-3 Notices from State Department of Finance of population and housing estimates. (Recommend notice be received and referred to Finance and Planning Departments.)

6. The minutes of the regular meeting of the Planning Commission in its meeting of May 8, 1984 were reviewed by Councilman Monroe.

Motion was made by Councilman Monroe, seconded by Councilman Ovitt and passed unanimously that the actions of the Planning Commission in its meeting of May 8, 1984, together with the findings and conditions as set forth therein, be approved.

7. An appeal filed by Jim Burger for Grant Park Development, Inc. for driveway location on Spring and 24th Streets was received. A motion was made by Councilman Russell and seconded by Councilman Ovitt to set a Public Hearing on May 29, 1984 at 7:30 p.m. in the City Council Chambers. Motion was approved and passed unanimously.

8. An appeal filed by J. Hurdle for Patriot Pipe & Supply on open storage at 939 - B 26th Street was received. Motion was made by Councilman Ovitt and seconded by Councilman Russell to set a Public Hearing on May 29, 1984 at 7:45 p.m. in the City Council Chambers. Motion was approved and passed unanimously.

9. An appeal filed by Warren Hamrick of Midland Pacific Building Corp. for requirement for traffic study was received. Motion was made by Councilman Russell and seconded by Councilman Thorndyke to set a public hearing on May 29, 1984 at 8:00 p.m. Motion was approved and passed unanimously.

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10. A memo from the City Manager regarding setting a date for an all-day Council budget review session was read. A motion was made by Councilman Ovitt and seconded by Councilman Russell that the date of May 30, beginning at 8:00 a.m. in the City Council Chambers be set for City Council budget review. Motion was approved and passed unanimously.

11. A memo from the City Manager recommended a Sewer Rate Review Committee be appointed to undertake a comprehensive review of sewer rates. The Mayor appointed Councilman Ovitt and Thorndyke to be on the Sewer Rate Review Committee.

12. A memo from the City Manager regarding Department of Fish and Game's study of a white bass management plan and the possibility that their study might determine a necessity of chemically treating Lake Nacimiento to kill off the white bass caused many comments.

A motion was made by Councilman Ovitt and seconded by Councilman Monroe that the City take a stand against this action and that letters be sent to the appropriate agencies, i.e. Department of Fish and Game and appropriate legislators. Motion was approved and passed unanimously.

13. A memo from the City Manager presented the bid results received on the upgrading of the existing telephone system. Councilman Thorndyke requested a clarification on the bid from AT&T to verify that the product quoted are new units and not reconditioned.

Motion by Councilman Ovitt and seconded by Councilman Monroe to accept bid from AT&T Informational Systems in an amount not to exceed \$14,553.40 with clarification that all equipment furnished will be new; order to be placed at this time and paid for and installed in the 1984/85 fiscal year.

Motion passed by the following roll call vote:

AYES: Councilmen Monroe, Ovitt, Russell, Thorndyke and Stemper

NOES: None

ABSENT: None

14. The Mayor announced a request for closed session regarding litigation at the close of the meeting.

15. The City Manager presented a Lease Amendment from UCO Air, Inc. and a Consent to Sub-Lease from Patroline, Inc.

It was moved by Councilman Russell and seconded by Councilman Monroe to authorize the Mayor and City Clerk to sign the amendments to the lease and consent to sub-lease, subject to the City Attorney's approval. Motion was approved and passed unanimously.

16. The City Manager presented a memo from the Finance Director

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regarding Bank of America's request to turn over Otto Sharp Endowment note from Ronald Wolfe and Bud Maxey to the City for collection.

It was moved by Councilman Russell and seconded by Councilman Ovitt that the Council approve the request to turn over the Wolfe/Maxey note to the City as recommended by the Finance Director. Motion was approved and passed unanimously.

17. A memo from the Finance Director regarding delinquent business licenses and the request to file a "Small Claims" action if funds are not received for the delinquent licenses by July 1, 1984, was presented. Motion by Councilman Russell and seconded by Councilman Thorndyke that the recommendation of the Finance Director be accepted. Motion was approved and passed unanimously.

18. A memo from the Director of Municipal Services presented the bid results of May 8, 1984 on the 21st Street and Oak Street water mains, DMS Project 84-03. The memo stated that the City does not have sufficient funds budgeted to finance this project at this bid price. It was moved by Councilman Russell and seconded by Councilman Ovitt that all bids be rejected. Motion was approved and passed unanimously.

19. A memo from the Director of Municipal Services requesting that the City declare a water emergency exists and authorize City to contract with Smith & Smith, Inc. in the amount of \$12,500 to bring the Borchardt Well on line. The City Manager declared that this is necessary for the health, safety and well-being of the citizens of Paso Robles.

It was moved by Councilman Ovitt and seconded by Councilman Russell that the Council finds that this is necessary for the health, safety and welfare of the citizens of Paso Robles in order to provide an adequate water supply not only for protection of the citizens but also for domestic use the City needs to institute this well and declare that a water emergency exists. Motion was approved and passed by the following roll call vote:

AYES: Councilman Monroe, Ovitt, Russell, Thorndyke and Stemper

NOES: None

ABSENT: None

It was moved by Councilman Russell and seconded by Councilman Ovitt to accept the proposal of Smith & Smith, Inc. for the maximum amount of \$12,500 to bring the Borchardt Well on line. Motion was approved and passed by the following roll call vote:

AYES: Councilman Monroe, Ovitt, Russell, Thorndyke and Stemper.

NOES: NONE

ABSENT: None

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20. A memo from the Director of Municipal Services presented the bid results on the Sherwood Tennis Court Overlay and Resurfacing project. Councilman Russell stated that local service clubs had offered their services in taking this on as a construction project with their organization. City Attorney Mike LeSage stated that bids can be legally held for 30 days. Councilman Ovitt spoke in favor of holding the bids over for 30 days. The Director of Parks and Recreation spoke against this action stating much work and preparation had gone into this project thus far. Dr. Bob Bryant questioned the overlay material and suggested concrete as an alternative.

A motion was made by Councilman Russell and seconded by Councilman Monroe that the bids be held over until May 29. Motion was approved and passed unanimously.

21. A memo from the Director of Parks and Recreation presented a request from the Gold Coast Smugglers softball team to sell beer and wine at their annual softball tournament May 26-28, 1984.

The City Manager brought up the fact that the Gold Coast Smugglers suggested that the general comprehensive liability insurance required by the City be dropped. City Attorney concurred that it was not a good idea.

Motion was made by Councilman Ovitt and seconded by Councilman Monroe that the City approve the sale of beer and wine on May 26-28, 1984 and that the insurance stipulations be required.

Motion carried by the following roll call vote:

AYES: Councilman Monroe, Ovitt, Russell, Thorndyke and Stemper

NOES: None

ABSENT: None

22. A presentation was made by Carl Morehouse, Planning Department Intern, regarding the historical preservation grant the City is working on. A Proclamation declaring the week of May 13-19, 1984 as National Historic Preservation Week was presented for the Mayor's signature.

A motion was made by Councilman Ovitt and seconded by Councilman Monroe that we authorize the Proclamation for National Historic Preservation Week, May 13-19, 1984.

Motion was approved and passed unanimously.

Councilman Monroe requested that the matter of a Salinas River bridge crossing be scheduled for discussion at the next City Council meeting of May 29, 1984.

Councilman Ovitt requested permission to leave the State May 24-29,

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1984 . He will return in time for the meeting on May 29. Mayor Stemper granted his request.

Motion was made by Councilman Ovitt and seconded by Councilman Russell that the meeting be adjourned to closed session. At the closed session litigation was discussed. On motion of Councilman Ovitt, seconded by Councilman Monroe and passed unanimously that the City would not pick up the option to purchase Riverview Phase II property from Wally Dunn.

Upon motion by Councilman Monroe, seconded by Councilman Russell and passed unanimously, the closed session was adjourned to the regular meeting.

There being no further business, upon motion by Councilman Ovitt, seconded by Councilman Thorndyke and passed unanimously, the meeting was adjourned to an adjourned meeting May 29, 1984 at 7:30 p.m. in the City Council Chambers.

JOHN R. McCARTHY, CITY CLERK

THESE MINUTES ARE NOT OFFICIAL NOR A PERMANENT PART OF THE RECORDS UNTIL APPROVED BY THE CITY COUNCIL AT THEIR NEXT REGULAR MEETING.